

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

OZMO LICENSING LLC,

Plaintiff,

v.

ACER INC. and
ACER AMERICA CORPORATION,

Defendants.

Civil Action No. 6:21-cv-01225-ADA

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Court’s July 6, 2022 Amended Scheduling Order (Dkt. No. 28), the parties hereby submit this Joint Claim Construction Statement with respect to the patents-in-suit, U.S. Patent No. 8,599,814 (“the ’814 patent”), U.S. Patent No. 9,264,991 (“the ’991 patent”); U.S. Patent No. 10,873,906 (“the ’906 patent”), U.S. Patent No. 11,012,934 (“the ’934 patent”), and U.S. Patent No. 11,122,504 (“the ’504 patent”) (collectively, “the patents-in-suit”).

A. Agreed-Upon Constructions

The parties met and conferred and there are no agreed-upon constructions for the terms in the patents-in-suit.

B. Disputed Constructions

The chart below identifies the disputed claim terms including each party’s proposed construction of the term:

- i. *“Logic for processing data received via the wireless radio circuit” (’814 patent claim 1 and all asserted dependent claims)*

Term proposed by: Acer

Acer’s Proposed Construction	Ozmo’s Proposed Construction
Means-plus-function limitation	Ordinary meaning (not means-plus-function)

Acer's Proposed Construction	Ozmo's Proposed Construction
<p><u>Function</u>: processing data received from the wireless circuit</p> <p><u>Corresponding Structure</u>: Processing Unit 28 (Fig. 6) along with associated software platform 36.</p>	<p><u>Function</u>: processing data received via the wireless radio circuit</p> <p><u>Structure</u>: Hub (in all claims). Also, processing unit 28 coupled to or integrated with wireless circuit 27, software platform 36, and operating system 37 and their equivalents</p>

- ii. *"Logic for generating data to be transmitted by the wireless radio circuit" ('814 patent claim 1 and all asserted dependent claims)*

Term proposed by: Acer

Acer's Proposed Construction	Ozmo's Proposed Construction
<p>Means-plus-function limitation</p> <p><u>Function</u>: generating data to be transmitted via the wireless radio circuit</p> <p><u>Corresponding Structure</u>: Processing Unit 28 (Fig. 6) along with associated software platform 36.</p>	<p>Ordinary meaning (not means-plus-function)</p> <p><u>Function</u>: generating data to be transmitted via the wireless radio circuit</p> <p><u>Structure</u>: Hub (in all claims). Also, processing unit 28 coupled to or integrated with wireless circuit 27, software platform 36, and operating system 37, and their equivalents</p>

- iii. *"Logic for initiating and maintaining wireless network connections. . ." ('814 patent claim 1 and all asserted dependent claims)*

Term proposed by: Acer

Acer's Proposed Construction	Ozmo's Proposed Construction
<p>Means-plus-function limitation</p> <p><u>Function</u>: initiating and maintaining wireless network connection</p> <p><u>Corresponding Structure</u>: Processing Unit 28 (Fig. 6) and wireless circuit 27 along with associated software platform 36.</p>	<p>Ordinary meaning (not means-plus-function)</p> <p><u>Function</u>: initiating and, at times, simultaneously maintaining two wireless network connections in a common wireless space</p> <p><u>Structure</u>: connection with a first network using a first wireless protocol and a connection with a second network using a second wireless protocol that is an overlay protocol of the first wireless protocol where communications using the second wireless</p>

Acer's Proposed Construction	Ozmo's Proposed Construction
	<p>protocol are partially consistent with the first protocol.</p> <p>Alternatively: Processing unit 28 coupled to or integrated with wireless circuit 27, software platform 36, memory module 29, radio 21, baseband modem 22, control and datapath logic 33, and operating system 37, as well as the methods for "Coordination of Multiple PERs" as disclosed FIGs. 11 and 12, and the "Device Discovery" procedures contemplated at 13:16-14:27, and their equivalents</p>

- iv. *"Data forwarding logic" ('814 patent claim 1 and all asserted dependent claims; '991 patent claims 1, 19, and all asserted dependent claims)*

Acer's Proposed Construction	Ozmo's Proposed Construction
<p>Means-plus-function limitation</p> <p><u>Function</u>: forwarding data between an originating node and a destination node, wherein the originating node is a node in one of the first and second wireless networks and the destination node is a node in the other of the first and second wireless networks</p> <p><u>Corresponding Structure</u>: control/datapath logic 33 (Fig. 6) along with associated software platform 36.</p>	<p>Ordinary meaning (not means-plus-function)</p> <p><u>Function</u>: forwarding data between an originating node and a destination node, wherein the originating node is a node in one of the first and second wireless networks and the destination node is a node in the other of the first and second wireless networks</p> <p><u>Structure</u>: Software platform 36 (Fig. 6), wireless circuit 27, processing unit 28, memory module 29, radio 21, baseband modem 22, and/or control and datapath logic 33, and their equivalents</p>

- v. *"First [wireless] network / second [wireless] network: ('814 patent claim 1 and all asserted dependent claims; '991 patent claim 1 and all asserted dependent claims)*

Term proposed by: Acer

Acer's Proposed Construction	Ozmo's Proposed Construction
Two distinct wireless networks	Ordinary meaning

- vi. *"Overlay protocol" ('814 patent claim 1 and all asserted dependent claims; '991 patent claims 1, 19, and all asserted dependent claims; '906 patent claims 1, 4, and all asserted dependent claims; '934 patent claims 1, 4, 7, and all asserted dependent claims; '504 patent claims 1, 4, 7, and all asserted dependent claims)*

Acer's Proposed Construction	Ozmo's Proposed Construction
A protocol running on a network with at least some distinct components from the underlying network and that works together with the underlying network to provide added features	A protocol governing a second network, which protocol has aspects in common with a first network protocol to reduce interference such that the second and first networks can co-exist.

vii. *“Partially consistent / partially compliant”* ('814 patent claim 1 and all asserted dependent claims; '991 patent claims 1, 19, and all asserted dependent claims; '906 patent claims 1, 4, and all asserted dependent claims; '934 patent claims 1, 4, 7, and all asserted dependent claims; '504 patent claims 1, 4, 7, and all asserted dependent claims)

Term proposed by: Acer

Acer's Proposed Construction	Ozmo's Proposed Construction
Indefinite	Ordinary meaning (The second, overlay protocol conforms to a part, but not to the entirety, of the first wireless network protocol).

viii. *“Configured to agree / can agree / mutually agreeable”* ('814 patent claim 5; '991 patent claims 8, 11, 12, 20; '906 patent claims 1, 4; '934 patent claims 1, 4; '504 patent claims 1, 4)

Term proposed by: Acer

Acer's Proposed Construction	Ozmo's Proposed Construction
DThe first and second wireless devices jointly determine an inactivity time.	Set up to be able to come to an arrangement or understanding.

ix. *“Personal area network”* ('814 patent claims 3, 5; '991 patent claims 11, 19, 20; '906 patent claims 1, 4, 6, 7, 8, 9, 10, 11, 12; '934 patent claims 1, 4, 7, 8, 9; '504 patent claims 1, 4, 7, 8, 9, 12, 14)

Term proposed by: Acer

Acer's Proposed Construction	Ozmo's Proposed Construction
A network, different from the local area network (LAN), that has shorter range and lower transmission power.	A short-range wireless network usable to connect peripherals to devices in close proximity.

x. *“At least partially disable the wireless connection”* ('906 patent claims 1, 4; '934 patent claims 1, 4; '504 patent claims 1, 4)

Term proposed by: Acer

Acer's Proposed Construction	Ozmo's Proposed Construction
Turn off a portion of the wireless circuit to save power.	Ordinary meaning (To make at least part of the wireless connection inactive.)

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Respectfully Submitted,

/s/ Karl Rupp

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above document has been delivered to all counsel of record through the Court's CM/ECF service on this 15th day of August, 2022.

/s/Karl Rupp